

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**NOTICE OF IMPASSE REGARDING
PROOFS OF CLAIM NOS. 17785, 13259, 17658 AND 17784**

To the Honorable United States District Judge Laura Taylor Swain:

1. On April 1, 2020, this Court entered the *Order (A) Authorizing Alternative Dispute Resolution Procedures, (B) Approving Additional Form of Notice, and (C) Granting Related Relief* [ECF No. 12576] (the “ADR Order”). The ADR Order authorized the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Transportation Authority (“HTA”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), the Puerto Rico Electric Power Authority (“PREPA”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, HTA, ERS, and PREPA, the “Debtors”) to resolve general unsecured claims using the procedures approved by the court in the ADR Order [ECF No. 12576-1] (“ADR Procedures”).

2. Pursuant to the ADR Order, on November 20, 2020, the Debtors transferred Proofs of Claim Nos. 17785, 13259, 17658 and 17784 (the “Claims”) against PREPA on May 22, 2018, into the ADR Procedures through the *Seventh Notice of Transfer of Claims to Alternative Dispute Resolution* [ECF No. 15217].

3. In accordance with the Offer Exchange Procedures,² on May 4, 2021, PREPA served upon the claimants associated with the Claims ADR Notices³ containing confidential offers of settlement (the “Offers”). The ADR Notices permitted claimants to designate whether claimants accepted the Offers, rejected the Offers, or submitted counteroffers.

4. Claimants returned the ADR Notices indicating claimants rejected the Offers.

5. In compliance with the ADR Procedures, PREPA submits this *Notice of Impasse Regarding Proof of Claim Nos. 17785, 13259, 17658 and 17784* to notify the Court that the Claims are ready to proceed to Evaluative Mediation, as set forth in Section 3 of the ADR Procedures.

² “Offer Exchange Procedures” refers to Section 2 of the ADR Procedures.

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the ADR Procedures.

Dated: June 17, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

Martin J. Bienenstock
Ehud Barak
Paul V. Possinger
(Admitted *Pro Hac Vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900
Email: mbienenstock@proskauer.com
ebarak@proskauer.com
ppossinger@proskauer.com

*Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*

/s/ Hermann D. Bauer

Hermann D. Bauer
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944
Email: Hermann.bauer@oneillborges.com

*Co-Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*